

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIDGECREST FIELD OFFICE**

FINDING OF NO SIGNIFICANT IMPACT

North Sky River Rights-of-Way Application

Environmental Assessment No. DOI-BLM-CA DOI BLM CAD 0002012-0001

INTRODUCTION

This Finding of No Significant Impact (FONSI) addresses the issuance of a right-of-way (ROW) grant under Title V of the Federal Land Policy and Management Act (FLPMA), 43 U.S. Code (USC) § 1761, for proposed road improvement and construction activities on public lands under the jurisdiction of the Bureau of Land Management (BLM), Ridgecrest Field Office. Authorizations for ROW grants are regulated by BLM in accordance with 43 Code of Federal Regulations (CFR) 2800 et seq., consistent with Departmental and Bureau regulations and policies, and the California Desert Conservation Area Plan (CDCA Plan) (1980, as amended).

BACKGROUND

North Sky River Energy, LLC (NSRE) filed an application with BLM to obtain a ROW grant to improve existing roads, construct limited new road segments, and install underground electrical transmission and fiber optic communication lines on public land in order to access private lands for construction and operation of a wind energy generation facility. Proposed construction activities are delineated in a Plan of Development submitted to the BLM. An access route across public land would provide the most direct and efficient access to the wind energy facility located on private lands.

BLM policy direction is provided by Executive Order 13212, dated May 18, 2001, which directs federal agencies to act expeditiously and in a manner consistent with applicable laws to increase the production and transmission of energy in a safe and environmentally sound manner. Further direction is provided by Department of Interior Secretarial Order 3285A1, dated March 11, 2009, as amended February 22, 2010, which states, "Encouraging the production, development, and delivery of renewable energy is one of the Department's highest priorities."

PROJECT DESCRIPTION

New Roads

The proposed action would result in construction of 2,086 linear feet (0.4 mile) of new, 24 foot-wide, all-weather, gravel roads (Segments A2 and B), requiring a 500-foot-wide ROW for the duration of the ROW agreement.

Existing Roads to be Realigned

Up to 10,151 linear feet (1.92 miles) of existing road would be realigned and widened to 24-foot-wide, all-weather, gravel roads (Segment B), requiring a 500-foot-wide ROW for the duration of the ROW agreement.

Existing Roads to be Improved

Up to 3,141 linear feet (0.59 mile) of existing road would be improved and widened to a 12 foot-wide, all-weather, gravel road (Segment C), requiring a 100-foot-wide ROW for the duration of the ROW agreement.

Existing Roads to be Used

The proposed action would result in the use of 35,010 linear feet (6.63 miles) of existing road (Segments A1 and D) for which no improvements or realignments are proposed. Use of the existing roads will require a 50-foot-wide ROW for the duration of the ROW agreement.

Underground Transmission and Communication Lines

Within Segment B, up to 6,900 feet of underground fiber optic communication lines and 34.5-kilovolt (kV) electrical transmission lines would be buried to a depth of up to 4 feet inside 6,900 feet of trench located within the area disturbed by the proposed road realignment and new road construction. Trenching will not result in additional surface disturbance beyond the disturbance from road construction.

Reclamation

Construction cut-and-fill from new and realigned existing roads will be contained within the construction ROW and will be final graded and reseeded per BLM specifications. Sections of existing roads that are within a construction ROW, but will be abandoned, will be reclaimed per BLM specifications and reseeded with a BLM approved seed mixture. Once reclamation is complete and vegetation is stable, a noxious weed control program will continue as necessary.

Total Temporary and Permanent Impacts from Roads

In total, the proposed action would result in approximately 10.27 acres of temporary disturbance, 6.77 acres of gravel road surface for new and improved roads, and 3.12 acres of restoration of existing roadway, resulting in a net new disturbance of 3.65 acres of BLM-managed lands.

Alternative Access Routes

Alternative access routes entirely through private land are available to NSRE. Although the BLM has no authority to regulate road construction activities on private land this alternative was analyzed in order to provide a discussion of the impacts and in order to compare those impacts between the alternatives. While road development on private land could proceed without public land access, the potential effects of a private land access route were analyzed in Environmental Assessment (EA) No. DOI BLM CAD 0002012-0001 to compare potential impacts if BLM denied the ROW request. A private land access route would require construction of 1.7 miles of new road, and improvement of at least 8.4 miles of existing roads, often paralleling existing roads on adjacent BLM land, along a 28-mile route. Road construction would result in more than 155 acres of temporary soil and vegetation disturbance and 33 acres of permanent disturbance on private lands. Underground transmission and fiber optic communication lines could not be collocated with the proposed road improvements included in Alternative B. To install the underground transmission and communication lines, Alternative B would require approximately 20,300 linear feet of trenching, resulting in an additional, approximate six acres of temporary ground disturbance on private lands.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of information contained in the NSRE ROW Application EA and supporting documents, incorporated by reference into this FONSI, it is my determination that: (1) the approval of the ROW identified in the proposed action will not have significant environmental impacts; (2) the proposed action is in conformance with the CDCA Plan; (3) the proposed action does not constitute a major federal action having a significant effect on the human environment; and (4) the proposed action will not result in unnecessary or undue degradation of resource values. Therefore, preparation of an environmental impact statement (EIS) is not necessary.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance, 40 CFR § 1508.27, both with regard to context and intensity of impacts described in the EA.

Context

Disturbance associated with construction activities would be temporary in nature and would result in a minimum amount of new disturbance consistent with the NSRE Application EA. Road widening and realignment of 48,302 linear feet of existing roads and construction of 2,086 linear feet of a new road to access private land would result in less than 6.77 acres of long-term disturbance on public land. Mitigation measures identified in the EA will assure that temporary disturbance areas will be identified, surveyed, and appropriately mitigated. Mitigation measures will avoid, reduce, and compensate for the effects of all impacts, and ensure that impacts will be less than significant.

Intensity

I have considered the potential intensity/severity of impacts to public land resources as described in the NSRE ROW Application EA. As a result, I determined a FONSI is consistent with regard to the ten factors listed by CEQ for evaluating intensity. The basis of these conclusions is summarized below:

1. Impacts that may be both beneficial and adverse.

Potential impacts include: vegetation removal, soil disturbance, heavy equipment exhaust emissions, and temporary noise and dust due to road improvement and construction. Impacts would be inconsequential locally or cumulatively, because a small area of BLM-managed land would be disturbed, and the minimal noise and air quality impacts would be temporary. Access across public lands would result in overall lesser impacts to resources within the watershed than alternative access entirely across private lands. Design features and environmental protection measures described in the EA would further minimize both short- and long-term effects.

2. The degree to which the proposed action affects public health and safety.

Impacts to public health and safety were fully analyzed in the EA. No aspects of the project were identified as having the potential to significantly affect public health or safety. Standard safety precautions will be required during construction to avoid safety hazards for other public land users along existing roads. A Traffic Control Plan will be prepared addressing truck access to, and circulation within the project area. The plan would be designed to minimize potential hazards from increased truck and worker traffic, to minimize impacts to traffic flow in the vicinity of the project, and to avoid potential conflicts between recreational OHV use and traffic associated with the proposed action.

3. Unique characteristics of the geographic area such as the proximity of: historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas to the project area.

The proposed project area contains no park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas. Surface water is very limited in the area and no wetlands are located in or near areas of potential disturbance. Cultural resource inventories indicate no Traditional Cultural Places, religious sites, or cultural resources recommended as potentially eligible for the National Register of Historic Places are located within 100 feet of ground disturbance associated with the proposed action.

4. The degree to which the effects on the quality of human environment are likely to be highly controversial.

No anticipated effects were identified that are scientifically controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The analysis in the EA validates that the proposed action would not involve any unique or unknown risks. Construction and improvement of graveled roads is a common occurrence on

public lands. Electrical transmission and fiber optic lines are also commonly buried in road ROWs. No new design or construction techniques are proposed beyond those already required by existing BLM guidance for such projects.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The improvement of existing roads to address current needs is a regular occurrence. Approval of rights-of-way for the construction of roads to access private land and accommodate buried fiber optic and transmission lines is allowed under existing policy and guidance. Neither activity is precedent setting.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

No significant site-specific or cumulative impacts associated with the BLM action were identified that could not be avoided through mitigation. The proposed action is consistent with actions and impacts anticipated in the CDCA Plan. The CDCA Plan General Guidelines recognize the need for access across public lands to permit use of State and privately owned lands and permit authorized developments on public lands.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause the loss or destruction of significant scientific, cultural, or historic resources.

A Class III cultural resource survey and addendums conducted for the project indicate the proposed action would not affect resources potentially eligible for listing under in the National Register of Historic Places, with the exception of approximately 500 feet of roadway that would intersect a potentially eligible site. Environmental protection measures would be implemented to avoid and protect the site, in consultation with the State Historic Preservation Office (SHPO). Further, cultural resource monitors would oversee all earthwork activities associated with access road construction and trenching to ensure any previously undiscovered cultural or paleontological resources uncovered during construction are evaluated and avoided or mitigated as appropriate under existing regulation and guidance.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

Based on field survey information and existing information on habitats and distribution of listed species, BLM determined that no individuals or habitat for species listed under the Endangered Species Act (ESA) would be adversely affected by the proposed action. Formal consultation under Section 7 of the ESA is not required.


10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

Approval of the proposed ROW providing access to private property does not threaten or violate any federal, state, or local law.

Based on the findings discussed herein, I conclude that approving the NSRE ROW grant will result in no significant impacts to the quality of human environment, individually or cumulatively, with other actions in the area analyzed under NEPA.



Field Manager
Ridgecrest Field Office



Date